

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)
OF NORTHERN ILLINOIS WELFARE AND)
PENSION FUNDS,)

Plaintiffs,

V.

CARTAGE TRANSPORT, INC.,
an Illinois corporation

Defendant.

FILED: AUGUST 29, 2008

08CV4952

JUDGE ZAGEL

MAGISTRATE JUDGE SCHENKIER

No.

AO

Judge

COMPLAINT

Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds"), by their attorneys, John J. Toomey, of Arnold and Kadjan, complain against Defendant, CARTAGE TRANSPORT, INC. an Illinois corporation, as follows:

COUNT I

JURISDICTION AND VENUE

1. (a) Jurisdiction of this cause is based upon Section 502 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1132 ("ERISA") and 29 U.S.C. 1145 as amended.

(b) Venue is founded pursuant to 29 U.S.C. Section 1132(e) (2) in this district, where the Funds as described in Paragraph 2, are administered and 185(c).

PARTIES

2. (a) Plaintiffs are the TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds") and have standing to sue pursuant to 29 U.S.C. 1132(a)(3).

(b) The SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS have been established pursuant to collective bargaining agreements previously entered into between the International Brotherhood of Teamsters and its affiliated locals (“the Union”) and Employers;

(c) The Funds are maintained and administered in accordance with and pursuant to the provisions of the National Labor Relations Act, as amended, and other applicable state and federal laws, and also pursuant to the terms and provisions of the Agreements and Declarations of Trust which establish the Funds.

3. (a) CARTAGE TRANSPORT, INC. an Illinois corporation, employs employees represented by the Union and is bound to make contributions for weeks worked by all employees and upon subcontractors who perform work which would otherwise be performed by employees.

(b) CARTAGE TRANSPORT, INC. is an Illinois corporation, with its principal place of business at Addison, Illinois.

(c) CARTAGE TRANSPORT, INC. an Illinois corporation, is an employer engaged in an industry affecting commerce.

4. CARTAGE TRANSPORT, INC. an Illinois corporation, entered into agreements with Teamsters 179 for the periods of July 15, 2004 through May 31, 2006 and June 1, 2006 through May 31, 2010 which require contributions to the Funds pursuant to 29 U.S.C. 1145.

5. Pursuant to the collective bargaining agreements between CARTAGE TRANSPORT, INC., an Illinois corporation and the Union, CARTAGE TRANSPORT, INC., has failed and continues to fail to make its obligated contributions to the Fund for the period January, 2005 through March, 2008, as disclosed in an audit which took place on May 15, 2008.

6. The audit disclosed \$10,284.35 due the Pension Fund and \$16,034.20 due the Welfare Fund for a total of \$26,318.55.

WHEREFORE, Plaintiffs pray:

A. This court enter judgment in favor of the Plaintiffs and against CARTAGE TRANSPORT, INC., an Illinois corporation, in the amount of the audit, \$26,318.55.

B. That this court award the plaintiffs their attorneys' fees, costs, interest, and liquidated damages pursuant to 29 U.S.C. 1132(g)(2) and the relevant collective bargaining agreements and trust agreements.

C. That the Court grant such further relief as is proper.

TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS WELFARE AND
PENSION FUNDS

By: _____

One of its Attorneys

John J. Toomey
ARNOLD AND KADJAN
19 West Jackson Boulevard
Chicago, Illinois 60604
(312) 236-0415

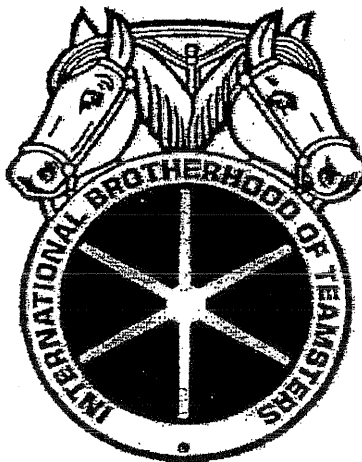
EXHIBIT A

ORIGINAL

Received
JUN 30 2006
Pension Fund Office

THE
AREA WIDE MATERIAL HAULING AGREEMENT
BETWEEN
TEAMSTERS LOCAL 673
EFFECTIVE JUNE 1, 2006 THROUGH MAY 31, 2010

Cartage Transport
PO Box 240
Elmhurst, IL 60126



FOR NON-ASSOCIATION EMPLOYERS

FOR TEAMSTERS LOCAL 179

BY: [Signature]

TITLE: Exec.

DATE: 7/15/04

FOR THE COMPANY

COMPANY: Big O Trucks Inc

ADDRESS: 8095 E. Burnham

City: Morris State: IL Zip: 60456

PHONE: 815-741-0870

FAX: 815-476-4501

BY: [Signature]

TITLE: PRESIDENT

DATE: 7-15-04

Cell 815-693-8672

ADDENDUM 1.

Uniform Drug/Alcohol Abuse Policies

The Union recognizes that the Employers of Teamsters are required to meet the regulations established by more than one governmental agency.

It is agreed that Employers adopting the "Uniform Drug/Alcohol Abuse Program" required by State and Federal Drug Free Workplace Acts, or other policies required to meet the regulations established by the Federal Department of Transportation or the Illinois Department of Transportation, shall not be in conflict with the Area Construction Agreement, Joint Council No. 25.

It is further understood that policies adopted by Employers that are in excess of governmental regulations shall be subject to the Grievance Procedure established in Article 6 of this Agreement.

PARTY OF THE FIRST PART:

Contractors Assn. WGC
Company

By: [Signature]

By: _____

PARTY OF THE SECOND PART:

Teamsters Local 179
Union

By: [Signature]

By: _____

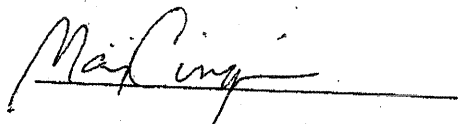
Received
JUL 20 2004
Pension Fund Office

EMPLOYER OR THE UNION GIVES WRITTEN NOTICE TO THE OTHER OF A DESIRE TO MODIFY, AMEND OR TERMINATE SAME AT LEAST SIXTY (60) DAYS PRIOR TO THE EXPIRATION OF ANY SUCH PERIOD.

THE COMPANY AND THE UNION AGREE TO MEET FOR NEGOTIATIONS OF DRUG LANGUAGE, TO BE ATTACHED TO THIS AGREEMENT.

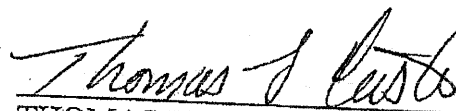
IN WITNESS WHEREOF THE PARTIES HAVE HEREUNTO SET THEIR HANDS
THIS 25 DAY OF MAY, 2006.

FOR THE EMPLOYER:



Cartage Transport
PO Box 240
Elmhurst, IL 60126

FOR THE UNION:



THOMAS L. CUSTER
SECRETARY-TREASURER
& BUSINESS MANAGER
TEAMSTERS LOCAL 673
1050 W. ROOSEVELT RD.
WEST CHICAGO, IL 60185
(630) 231-6660

updated 2-21-06 wp/11 ds